

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE HENRY WHALEY, JR.,	:	
	:	
Plaintiff,	:	
v.	:	4:23-CV-1706
	:	(JUDGE MARIANI)
COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
Defendant.	:	

ORDER

AND NOW, THIS 30th DAY OF APRIL 2024, upon *de novo* review¹ of

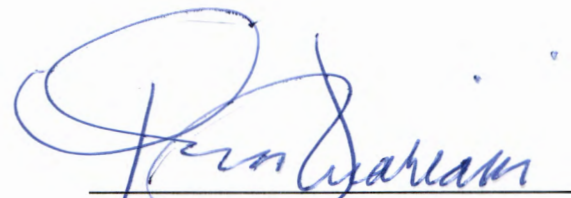
Magistrate Judge Daryl F. Bloom's Report and Recommendation ("R&R") (Doc. 15),
Plaintiff's "Answer" thereto (Doc. 16), and all other relevant documents, **IT IS HEREBY
ORDERED THAT:**

1. Plaintiff's Objections (Doc. 16) are **OVERRULED**. Plaintiff's "Answer to Report & Recommendation" (Doc. 15) is untethered to the applicable law and presents only baseless and unsupported arguments. Plaintiff's only statement relevant to the present action and the pending R&R is that "it is a 'LIE' that the COMMONWEALTH

¹ Strictly construed, Plaintiff's document entitled "Answer to Report & Recommendation" (Doc. 16) fails to meet the requirements necessary to rise to the level of an Objection. If a party timely and properly files a written objection to a Magistrate Judge's Report and Recommendation, the District Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* at § 636(b)(1)(C); *see also, Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011); M.D. Pa. Local Rule 72.3. Here, while Plaintiff's "Answer" was timely filed, he has not identified with any specificity the portions of the R&R, proposed findings, or recommendations to which he objects. Nonetheless, construing Plaintiff's "Answer" in the most liberal manner, and giving Plaintiff every benefit, the Court has performed a *de novo* review of the R&R.

OF PENNSYLVANIA has never been served.” (Doc. 16, at 2). In support of this statement, Plaintiff attaches a “Proof of Service” stating that he sent a summons in this case on March 16, 2024 to the Lycoming Court of Common Pleas, by certified mail (see Doc. 16-2). However, as Judge Bloom correctly explained, under the facts of this case, Pennsylvania does not permit service upon the Commonwealth by mail. (Doc. 15, at 3-4). Furthermore, regardless of whether Plaintiff properly served the Commonwealth, the Court agrees with Judge Bloom that Whaley’s filings do not establish “any of the narrow circumstances . . . conferring subject matter jurisdiction on this court over Whaley’s state criminal matter.” (*Id.* at 3). Having conducted a *de novo* review of the R&R, this Court finds Judge Bloom’s analysis to be supported by well-established legal principles, and Plaintiff’s Objections to be without merit.

2. The R&R (Doc. 15) is **ADOPTED** for the reasons set forth therein.
3. The above-captioned action is **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction.



Robert D. Mariani
United States District Judge